

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
CARROL LASSITER, :
Plaintiff, :
-v- : 22 Civ. 9561 (JPC) (JLC)
Dr. OKVUNDUH OKENE *et al.*, :
Defendants. :
-----X

JOHN P. CRONAN, United States District Judge:

On July 5, 2023, the Court ordered Plaintiff to file a letter indicating whether good cause exists for his failure to timely serve Defendant NYC Health+Hospitals and providing a correct address for that Defendant by July 19, 2023. Plaintiff failed to file that letter, and on August 3, 2023, the Court was notified that the mailed Order had been returned because Plaintiff had been discharged from the Vernon C. Bain Correctional Center and had not provided a new address. Minute Entry dated Aug. 3, 2023. The *pro se* information package previously provided to Plaintiff informed him that it is his responsibility to update the Court with any change of address, and stated that “[y]our case could be dismissed if you do not notify the court of an address change.” Dkt. 8 at 2.

Under Rule 41(b) of the Federal Rules of Civil Procedure, a district court may dismiss an action *sua sponte* for failure to prosecute after notifying the plaintiff. *See Murray v. Smythe*, No. 18 Civ. 4705 (KMK), 2020 WL 4482644, at *2 (S.D.N.Y. Aug. 3, 2020). “District courts in this Circuit have recognized that ‘the failure to maintain a current address with the Court is a ground for failure to prosecute’ because ‘the case cannot proceed’ without such information.” *Cabrera v. Brann*, No. 21 Civ. 780 (JMF), 2021 WL 1549818, at *1 (S.D.N.Y. Apr. 20, 2021) (brackets

omitted) (quoting *Pratt v. Behari*, No. 11 Civ. 6167 (JGK), 2021 WL 1021660, at *1 (S.D.N.Y. Mar. 26, 2012)).

The Court has not heard from Plaintiff since this action was initially filed. If Plaintiff has not appeared and provided an updated address to the Court by September 8, 2023, the Court will dismiss this case without prejudice.

SO ORDERED.

Dated: August 8, 2023
New York, New York



JOHN P. CRONAN
United States District Judge